

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JESSICA A. FUNK
AKA: JESSICA KAMINSKI

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-24-01416-MJC

vs.
JESSICA A. FUNK
AKA: JESSICA KAMINSKI

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on July 19, 2024, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case for the following reason(s):

- 1) A Petition under Chapter 13 was filed on June 6, 2024.
- 2) The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
 - **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD**
 - **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME**
 - **CHAPTER 13 PLAN**
- 3) If upon receipt of this Motion and the Notice, Debtors file the missing documents on or before the response date specified on said notice, the Motion shall be deemed withdrawn and moot.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT The debtor(s) filed a Chapter13 Bankruptcy Petition on June 6, 2024.

Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file required documents indicated below.

- **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD**
- **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME**
- **CHAPTER 13 PLAN**

A hearing with the Court has been scheduled for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA 18701

Date: August 8, 2024

Time: 10:00 AM

Any objection/response to the Trustee's Motion to Dismiss must be filed and served on or before: **August 2, 2024**. If Debtor(s) file the missing documents on or before the stated response date, the Motion shall be deemed withdrawn and moot.

Additionally, if you file and serve an objection/response within the time period, a hearing will be held on the above date. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Dated: July 19, 2024

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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CASE NO: 5-24-01416-MJC

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on July 19, 2024, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

MICHAEL A CIBIK, ESQUIRE
CIBIK LAW, PC
1500 WALNUT ST, SUITE 900
PHILADELPHIA, PA 19102

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
BOX 302
HARRISBURG, PA 17102

Served by First Class mail

JESSICA A. FUNK
443 FOLLIES RD
DALLAS, PA 18612-9532

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 19, 2024

/s/ Vickie Williams
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED. The Court retains jurisdiction to rule on any timely filed fee application.